

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 170)

UNION PACIFIC RAILROAD COMPANY — ABANDONMENT — IN  
POLK COUNTY, IA

Decided: December 30, 2003

By decision served on January 16, 2002, Union Pacific Railroad Company (UP) was granted authority to abandon a 3.72-mile line of railroad extending from milepost 221.10 near SE 18th Street to milepost 217.38 near SW 30th Street in Des Moines, Polk County, IA. To allow the offer of financial assistance (OFA) process to move forward following the filing of an OFA by Mid-America Railroad, L.L.C., the public use and trail use procedures were postponed in a decision served on March 22, 2002 (March 22 decision). The OFA was withdrawn on July 2, 2002. In a decision served on July 9, 2002 (July 9 decision), the March 22 decision was vacated, thus making the prior abandonment authorization effective on July 9, 2002. By decision and certificate of interim trail use or abandonment (CITU) served on September 12, 2002, a 180-day period (ending March 11, 2003), calculated from the service date of the decision, was authorized for the City of Des Moines, IA (the City), to negotiate an interim trail use/rail banking agreement with UP for a portion of the line from milepost 220.57 to milepost 217.38. By decisions served on March 11, 2003, and July 3, 2003, the CITU negotiating period was extended until December 30, 2003.

On December 29, 2003, the City filed a request for extension of the CITU until July 1, 2004. The City states that a review appraisal is necessary to receive funding but that the appraisal will not be ready until mid-January of 2004. The City intends to make an offer for acquisition of all or part of the line in late January 2004. On December 23, 2003, UP filed a letter supporting the request to extend the CITU currently in place.<sup>1</sup>

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>2</sup> The City has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the CITU negotiating period will be extended until July 1, 2004.

---

<sup>1</sup> UP had received an advance copy of the request on December 22, 2003.

<sup>2</sup> See Rail Abandonments — Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The City's request to extend the CITU negotiating period is granted.
2. The CITU negotiating period is extended until July 1, 2004.
3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary